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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11 JONATHAN WAYNE BOTTEN, SR.;  
12 TANJA DUDEK-BOTTEN;  
13 ANNABELLE BOTTEN; and J.B., a  
minor by and through his guardian  
JONATHAN WAYNE BOTTEN, SR.,

14 Plaintiffs,

15 vs.

16 STATE OF CALIFORNIA; COUNTY  
17 OF SAN BERNARDINO; ISAIAH  
KEE; MICHAEL BLACKWOOD;  
18 BERNARDO RUBALCAVA;  
ROBERT VACCARI; JAKE ADAMS;  
19 and DOES 1-10 inclusive,

20 Defendants.

CASE NO. 5:23-cv-00257-KK-(SHKx)

*Assigned for All Purposes to:*  
*Hon. Kenly Kiya Kato— Courtroom #3*

**ORDER DISMISSING  
PLAINTIFFS' FIRST CLAIM FOR  
EXCESSIVE FORCE 42 U.S.C. §  
1983, SECOND CLAIM FOR  
SUBSTANTIVE DUE PROCESS 42  
U.S.C. § 1983, THIRD CLAIM FOR  
BATTERY, AND SIXTH CLAIM  
FOR CAL. CIV. CODE § 52.1  
AGAINST COUNTY DEFENDANTS**

*Trial: July 28, 2025*

*Complaint filed: 02/16/23*  
*FAC filed: 06/08/23*

1 This cause coming to be heard on the stipulation of the parties, pursuant to Fed.  
2 R. Civ. P. 41(a)(1)(A)(ii), for voluntary dismissal, with prejudice, of certain claims in  
3 Plaintiffs' First Amended Complaint (Dkt. 27), the parties being in agreement and the  
4 Court being advised of the premises of this Order, the Court hereby dismisses:

5 1. Plaintiffs' First Claim for Fourth Amendment – Excessive Force (42  
6 U.S.C. § 1983) is dismissed against the County of San Bernardino, Robert Vaccari,  
7 and Jake Adams.

8 2. Plaintiffs' Second Claim for Substantive Due Process pursuant to 42  
9 U.S.C. § 1983 is dismissed against the County of San Bernardino, Robert Vaccari,  
10 and Jake Adams.

11 3. Plaintiffs' Third Claim for Battery is dismissed against the County of  
12 San Bernardino, Robert Vaccari, and Jake Adams.

13 4. Plaintiffs' Sixth Claim for Violation of Cal. Civ. Code § 52.1 is  
14 dismissed against the County of San Bernardino, Robert Vaccari, and Jake Adams.

15 5. While this case has been consolidated for the limited purposes of  
16 discovery with *L.C., et al. v. State of California, et al.*, case no. 5:22-cv-00949-KK-  
17 SHK, this stipulation shall only apply to the above-entitled action, *Botten, et al. v.*  
18 *State of California, et al.*, case no. 5:23-cv-00257-KK-SHK.

19 6. Each party shall bear their own costs and fees as to these claims.

20 The above-mentioned claims are hereby dismissed with prejudice.

21 **IT IS SO ORDERED.**

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24 DATED: January 29, 2025

  
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Honorable Kenly K. Kato  
UNITED STATES DISTRICT JUDGE